

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTH DAY — MONDAY, JANUARY 23, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 10).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Alvarado; Crabb; Hightower; Holzheuser; Park; Stiles.

Absent — Bomer; Marchant.

The invocation was offered by Reverend Jimmy L. Strait, First Baptist Church, Dallas, as follows:

Good morning. You are about to hear the shortest sermon ever preached by a Baptist preacher.

"For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life." That sermon is John 3:16.

Heavenly Father. I pray that as this new week begins, that you will pour out your blessings upon all the members represented here today. I pray for wisdom and guidance for all the members as they conduct the business of our state in this historic room. I pray you will lead Speaker Laney as he presides, and give him wisdom and courage to lead this assembly in a manner that will instill continuing integrity as he has exhibited in the past. I pray that political differences will be put aside, and a true sense of accord will be expressed. I pray for Governor Bush, that you will give him wisdom and the continuing awareness of your presence as he leads our state. Lastly I pray for the families of all the members, that you would continually watch over them and keep them safe, and comfort them in a special way as they are sacrificing as much by

staying home, as the members are by being here. I thank you Lord for the opportunity to stand in this awesome room before the elected representatives of this Lone Star State, to voice this prayer. In Jesus name I pray, amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business:

Holzheuser on motion of Kuempel.

Crabb on motion of Heflin.

Stiles on motion of Ramsay.

Hightower on motion of Ramsay.

The following member was granted leave of absence for today because of important business in the district:

Park on motion of Denny.

The following member was granted leave of absence for today because of illness:

Alvarado on motion of H. Cuellar.

MESSAGE FROM THE SENATE

Austin, Texas, January 23, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

SCR 21 by Harris, designating February 1, 1995, as Texas PTA Legislative Day.

SCR 29 by Gallegos, recognizing the 100th anniversary of the chiropractic profession....

SB 4 by Montford, relating to issuance of general obligation bonds....

SB 8 by Montford, relating to the distribution of certain state funds....

Respectfully,
Betty King
Secretary of the Senate

CAPITOL PHYSICIAN

Speaker Laney presented Dr. Edward Langston of Houston as the "Doctor for the Day."

The house welcomed Dr. Langston and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Uher in the chair)

**PROCLAMATION BY THE GOVERNOR
OF THE STATE OF TEXAS**

The speaker laid before the house and had read the following proclamation by the governor:

TO ALL TO WHOM THESE PRESENTS SHALL COME:

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-FOURTH LEGISLATURE, IN REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, George W. Bush, Governor of the State of Texas, submit the following emergency matter for immediate consideration by the 74th Legislature, now convened:

Legislation related to reform of the state's civil justice system in the areas of punitive damages, deceptive trade practices and consumer protection, joint and several liability, medical malpractice, venue, sanctions against frivolous lawsuits, expert testimony, directions to the Supreme Court to streamline and expedite the process of litigation, judicial fundraising, governmental liability, and contingency fees.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 20th day of January, A.D. 1995.

George W. Bush
Governor of Texas

(SEAL)

Antonio O. Garza, Jr.
Secretary of State

**SCR 28 - ADOPTED
(T. Hunter - House Sponsor)**

Representative T. Hunter moved to suspend all necessary rules to take up and consider at this time **SCR 28**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

SCR 28, Recognizing and commending the BOSS '95 Symposium for its outstanding promotion of positive help for businesses.

(Speaker in the chair)

The resolution was adopted without objection.

HCR 38 - ADOPTED

Representative Ramsay moved to suspend all necessary rules to take up and consider at this time **HCR 38**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Ramsay,

HCR 38, Designating January 25, 1995, as Mount Pleasant Day.

The resolution was adopted without objection.

HCR 42 - ADOPTED

Representative R. Cuellar moved to suspend all necessary rules to take up and consider at this time **HCR 42**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By R. Cuellar, et al.,

HCR 42, Recognizing January 23, 1995, as Grapefruit Day in Texas.

The resolution was adopted without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of personal business:

Ogden on motion of Krusee.

SB 19 - SELECT COMMITTEE APPOINTED

The speaker appointed the following select committee on **SB 19**: Saunders, chair, Chisum, Davis, Hamric, Horn, Moreno, Price, Harris, and Gray.

SENATE BILL ON FIRST READING

The following bill was today laid before the house, read first time, and referred to committee:

SB 19 to Select Committee on **SB 19**.

SB 19 - RULES SUSPENDED

Representative Saunders moved that the house suspend all necessary rules relating to posting and layout requirements for **SB19** to permit consideration of the bill in committee and by the full house this week and that the speaker be directed to cause the committee report for the bill to be printed and distributed and cause to be prepared and distributed a calendar for the day on which the bill will be considered by the full house.

The motion prevailed without objection.

HR 60 - ADOPTED

Representative Corte moved to suspend all necessary rules to take up and consider at this time **HR 60**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Corte,

HR 60, Commending Kay Lynn Johnston on the occasion of her retirement.

The resolution was adopted without objection.

On motion of Representative Gallego, the names of all the members of the house were added to **HR 60** as signers thereof.

ADJOURNMENT

Representatives Junell and Finnell moved that the house adjourn until 10 a.m. tomorrow in memory of the Honorable Elmer Martin, former house member, and the Honorable John C. White, former chair of the Democratic National Committee.

The motion prevailed without objection.

The house accordingly, at 10:32 a.m. , adjourned until 10 a.m. tomorrow.

APPENDIX

SELECT COMMITTEE REPORT

A favorable report has been filed by committee as follows:

Select Committee on the Dental Practice Act - **SB 18**

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